

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 United States of America,

10 Plaintiff,

11 v.

12 Jacob Matthew Medina,

13 Defendant.
14

No. CR-19-00329-001-PHX-DLR

ORDER

15
16 At issue are Petitioner's Motion for Sentence Reduction Under 18 U.S.C. §
17 3582(c)(1)(A) Compassionate Release by Pro Se Prisoner filed on September 16, 2024
18 (Doc. 184), and a corresponding addendum (Doc. 185). The Court will consider these as
19 two separate motions stating different and separate grounds for relief. Petitioner's motion
20 as Doc. 184 will be referred to as Petitioner's First Motion, and the addendum filed at Doc.
21 185 will be referred to as Petitioner's Second Motion. The First Motion is fully briefed and
22 will be denied as moot. The Government has not responded to the Second Motion, but
23 Petitioner has not shown that he has exhausted his administrative remedies before filing
24 the Second Motion, as more fully explained below, and therefore it too is denied.

25 A district court may consider a request for compassionate release only after the
26 petitioner makes an administrative request for the Bureau of Prisons ("BOP") to bring a
27 motion for reduction of sentence on his behalf and waits 30 days for a response before
28 filing his motion. That is known as "exhausting administrative remedies." *See* 18 U.S.C. §

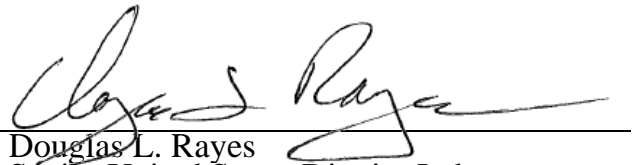
1 3582(c)(1)(A).

2 Petitioner exhausted his administrative remedies concerning the claims made in his
3 First Motion by requesting the BOP to bring a motion for reduction of sentence due to his
4 father's illness (stage four brain cancer). On December 22, 2023, the BOP denied
5 Petitioner's request for a reduction of sentence, thus satisfying the administrative review
6 requirement. However, Petitioner indicates in his Reply (Doc. 192) that his father passed
7 away on October 1, 2024. His father's passing moots the basis of his First Motion.
8 Nonetheless in his Reply Petitioner argues that he should be released early based on
9 arguments different from those made in his First Motion. He argues in his Reply that his
10 and his family's loss, including the hardship and the grieving of his father's death, is an
11 extraordinary and compelling reason for his immediate release. Because Petitioner did not
12 make those allegations in his motion to the BOP, he has not exhausted his administrative
13 remedies as to them. The allegations Petitioner makes in his Reply, which were not made
14 in his motion, fail to satisfy the requirements of 18 U.S.C. § 3582(c)(1)(A).

15 In his Second Motion, Petitioner alleges matters entirely different and separate from
16 the allegations of his First Motion. Petitioner has offered nothing in his Second Motion to
17 show that he has exhausted his administrative remedies regarding that motion. Therefore,
18 the allegations Petitioner makes in his Second Motion fail to satisfy the requirements of 18
19 U.S.C. § 3582(c)(1)(A).

20 **IT IS ORDERED** that Petitioner's First Motion (Doc. 184) and Second Motion
21 (Doc. 185) are **DENIED**.

22 Dated this 10th day of February, 2025.

23
24
25 
26 Douglas L. Rayes
27 Senior United States District Judge
28